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17 Attorneys for Plaintiff

18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN FRANCISCO DIVISION**

21 HOWARD B. HIGGINS, an individual,

22 Plaintiff,

23 vs.

24 FARR FINANCIAL INC., a California
25 Corporation, ZENITH INVESTMENT
26 GROUP LLC, a California Limited
27 Liability Company, AMAECHI
28 GEORGE OZOR, an individual, and
JOHN/JANE DOES I-X, individuals or
entities whose identities are unknown,

Defendants.

Case No. C 07-02200 JSW

**STIPULATION TO CONTINUE
AND PROPOSED ORDER**

1 Defendant, Farr Financial, Inc. ("Farr") and Plaintiff Howard B. Higgins, by and
2 through their respective attorneys, submit this stipulation, in which they agree that oral
3 argument on Farr's Motion to Dismiss Counts IX and XI of Plaintiff's Second Amended
4 Complaint, currently set for 9:00 a.m. on March 6, 2009, may be continued to 9:00 a.m.
5 on May 1, 2009.
6


7 Good cause exists to continue oral argument as set forth in this stipulation.
8 Plaintiff's local counsel, M. Van Smith, has suffered a heart attack and is currently in
9 intensive care. Plaintiff's other counsel, Norman G. Reece, Jr., learned about Mr. Smith's
10 health concerns just yesterday. Mr. Reece learned that Mr. Smith is not expected to be
11 available for oral argument until May of this year. Plaintiff's attorneys had planned to have
12 Mr. Smith appear on March 6th and present oral argument in opposition to Farr's motion
13 to dismiss. Mr. Reece cannot be in San Francisco for oral argument because of other
14 commitments he has made in reliance on Mr. Smith's being available for oral argument on
15 March 6, 2009. First, Mr. Reece has some family commitments out of state on March 6,
16 2009. Second, Mr. Reece has been invited to and was planning to attend a wedding for
17 some close friends on March 7, 2009. The wedding is likewise out of state. The May 1st
18 date for oral argument accommodates the schedules of all counsel. If Mr. Smith is not fully
19 recovered by that time, Mr. Reece will plan to be present on May 1, 2009.
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24 Counsel for Farr checked the availability dates for the Court on the Court's website.
25 May 1, 2009 is the earliest available date, according to the website. Granting the requested
26 change to the hearing date will not alter any hearing or other matter set by the Court.
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28

1 IT IS SO STIPULATED.

2
3 Dated: March 5, 2009

LAW OFFICES OF DEK KETCHUM

4
5 By: 
6 JAY M. GOLDMAN
7 Attorneys for Defendant, Farr Financial, Inc.

8 Dated: March 5, 2009

NORMAN G. REECE, P.C.

9
10 By: 
11 NORMAN G. REECE, JR.
12 Attorney for Plaintiff, Howard B. Higgins
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14

15 **ORDER**

16 Good cause appearing, **IT IS ORDERED** that the stipulation is **GRANTED**. Oral
17 argument on Farr Financial's Motion to Dismiss shall be continued to 9:00 a.m. on May
18 1, 2009.

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

20 Dated: March 5, 2009

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23 
24 HON. JEFFREY S. WHITE
25 United States District Judge
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